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10 Attorneys for Plaintiff/  
11 Counterclaim-Defendant,  
12 Jason Lust and Third-Party Defendant SAJ  
13 Productions, LLC

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 JASON LUST, an individual,  
17 Plaintiff,

18 v.

19 ANIMAL LOGIC  
20 ENTERTAINMENT US, a California  
21 limited liability corporation; ZAREH  
22 NALBANDIAN, an individual; and  
23 DOES 1 through 20, inclusive,  
24 Defendants.

25 \_\_\_\_\_  
26 \_\_\_\_\_

27 **AND RELATED COUNTERCLAIMS**  
28 **AND THIRD PARTY COMPLAINT**

Case No.: 17-CV-00308-JAK-AFM

Hon. Judge John A. Kronstadt

**JOHNSON & JOHNSON LLP'S *EX***  
***PARTE* APPLICATION FOR AN**  
**EXPEDITED HEARING DATE FOR**  
**MOTION TO WITHDRAW**

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

2 **PLEASE TAKE NOTICE** that Johnson & Johnson LLP, Neville L.  
 3 Johnson, Douglas L. Johnson and Ronald P. Funnell, counsel of record for Plaintiff  
 4 and Counter-defendant, Jason Lust, and Third Party Defendant SAJ Productions, LLC  
 5 herein apply to the Court *ex parte* for an Order setting an expedited hearing date for  
 6 Johnson & Johnson LLP's Motion to Withdraw as Counsel.

7 Johnson & Johnson LLP and its attorneys (collectively "Johnson &  
 8 Johnson") make this *ex parte* application on the grounds that Johnson & Johnson  
 9 intends to withdraw as counsel for Mr. Lust and SAJ Productions, LLC ("Clients")  
 10 in a manner which will avoid any prejudice to the rights of Clients and will give  
 11 Clients sufficient notice to permit Clients to retain other counsel prior to the  
 12 November 10, 2020 trial of this matter. Currently, the first available dates on the  
 13 Court's website motion calendar are August 31, 2020 and September 28, 2020.  
 14 Those dates are too close to the trial date to give Clients a reasonable opportunity to  
 15 retain replacement counsel. Therefore, Johnson & Johnson requests that the Court  
 16 set an expedited hearing date of either June 8, 2020; June 15, 2020; or at the very  
 17 latest, June 22, 2020, the date set for hearing of motions in limine in this matter.  
 18 See Dkt. 170.

19 This Application is made after providing notice to counsel for Defendants,  
 20 Counterclaimants, and Third Party Complainants Animal Logic Entertainment, LLC  
 21 and Animal Logic Entertainment PTY Ltd, as required by Local Rule 7-19.1, by  
 22 emails with opposing counsel John Shaeffer on May 7, 2020. Declaration of Ronald  
 23 P. Funnell at ¶ 2. Mr. Shaeffer stated that he will take no position and does not intend  
 24 to file anything.

25 Defendants and Counterclaimants' counsels' contact information is:

26 John Shaeffer (SBN 138331)  
 27 Joshua Bornstein (SBN 311658)  
 28 FOX ROTHSCHILD LLP  
 01250 Constellation Blvd.  
 Suite 900

Los Angeles, California, 90067  
Telephone: (310) 598-4150  
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jbornstein@foxrothschild.com

This Application is based on this Notice of *Ex Parte* Application and Application, the attached Memorandum of Points and Authorities in support thereof, the Declaration of Ronald P. Funnell, the attached Motion to Withdraw as Counsel, the pleadings and documents on file in this action, and all other matters that the Court may consider, including oral argument of counsel at the hearing, if any.

DATED: May 7, 2020

**JOHNSON & JOHNSON LLP**

By /s/ Ronald P. Funnell  
Neville L. Johnson  
Ronald P. Funnell  
*Attorneys for Plaintiff/ Counterclaim-  
Defendant,*  
Jason Lust,  
*and Third-Party Defendant,*  
SAJ Productions, LLC

## MEMORANDUM OF POINTS AND AUTHORITIES

This *ex parte* is a reasonable step to preserve the rights of Clients, brought in an effort to comply with the requirements Rule 1.16(d). See *Ramirez v. Sturdevant*, 21 Cal.App.4th 904, 915 (1994) (“We are, however, aware of no authority preventing an attorney from withdrawing from a case when withdrawal can be accomplished without undue prejudice to the client's interests.”).’

Trial in this matter has been postponed until November 10, 2020, giving Clients ample time to retain replacement counsel and for new counsel to prepare for trial. See Dkt. 170. However, the earliest motion dates available on the Court's website motion calendar are August 31, 2020 and September 28, 2020. Although Johnson & Johnson first gave Clients written notice of its intent to withdraw on February 26, 2020, Johnson & Johnson believes that these hearing dates are too close to the trial date to give Clients sufficient time to retain replacement counsel and for that counsel to get up to speed.

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DATED: May 7, 2020

By /s/ Ronald P. Funnell  
Neville L. Johnson  
Ronald P. Funnell  
Attorneys for Plaintiff and Counter-  
Defendant Jason Lust,  
and Third-Party Defendant  
SAJ Productions, LLC

**DECLARATION OF RONALD P. FUNNELL**

I, Ronald P. Funnell, declare as follows:

1. I am an associate with the firm of Johnson & Johnson LLP, counsel for Plaintiff and Counter-Defendant Jason Lust and Third Party Defendant SAJ Productions, LLC in this action. I am over the age of 18 and not a party to this action. I make this declaration from my personal knowledge. If called as a witness I could and would competently testify hereto.

2. As of the time of the filing of this *ex parte* application, the earliest motion hearing dates available on the Court's website calendar were August 31, 2020 and September 28, 2020.

3. On May 7, 2020, I provided *ex parte* notice pursuant to Local Rule 7-19.1 to Defendants' counsel John Shaeffer via email, and I explained the emergency basis of the application and the relief sought. Mr. Shaeffer stated that he would take no position and did not intend to file anything.

4. On May 7, 2020, I also provided Plaintiff and Counter-Defendant Jason Lust and Third Party Defendant SAJ Productions, LLC with written notice of this *ex parte* application via email and U.S. Mail.

5. Attached to this *ex parte* application as **Exhibit 1** is a copy of Johnson & Johnson LLP's Motion to Withdraw as Counsel.

I declare under the penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed in Beverly Hills, California on the 7th day of May 2020.

*/s/ Ronald P. Funnell*

Ronald P. Funnell